

United States District Court

WESTERN DISTRICT OF NEW YORK

A. Mark Huber

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 04-CV-694A

v.

Jo Anne B. Barnhart, Commissioner of Social Security

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the decision of the Commissioner is reversed and the matter is remanded for further administrative proceedings to determine the amount of benefits plaintiff is entitled to. Further, defendant's motion for judgment on the pleadings is denied and plaintiff's motion for similar relief in his favor is granted.

Date: August 23, 2005

RODNEY C. EARLY,
CLERK

By: s/Deborah M. Zeeb
Deputy Clerk